

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MORGANNE MILES, by her mother KRYSTAL TITUS,
et al.,

08-CV-432 (PAC)

Plaintiffs,

ECF CASE

- against -

DECLARATION

MICHAEL O. LEAVITT, as Secretary of the United
States Department of Health and Human Services,

Defendant.

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DECLARATION OF SUNNY CHAN

SUNNY CHAN declares under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am the father of Theo Chan, age 3½ , and Leah Chan, age 5 months, and I respectfully submit this declaration in support of this action.
2. I am married to Ms. Edith Tay. Our family resides at 1720 85th Street, Third Floor, Brooklyn, NY 11212.
3. My family and I are being injured because without the expansion in the Child Health Plus program in New York, we cannot afford health insurance for our children.
4. My wife was employed at the Gemology Institute of America as a quality control analyst until May 2004, when our son Theo was born. At that point she left her job to stay home with the baby so that we could save money on child care.
5. Since August 1991, I have been employed at Multicultural Radio Broadcasting, Inc. as a full-time production and deputy general manager.

6. In 2006, my gross annual income was approximately \$74,000, which is roughly 360% of the federal poverty level. Although Edith is a freelance voice talent, she was not fortunate enough to get any work in 2006.

7. Currently, our monthly net income is approximately \$3,890, which must cover all the needs for our two children, my wife and myself.

8. We have approximately \$4,240 in monthly expenses. Our regular monthly expenses are as follows:

EXPENSE	MONTHLY AM'T
Rent	\$1,200.00
Health and Dental Insurance (\$560 for adults + \$355 for kids)	\$ 915.00
Health and Dental Expenses	\$85.00
Car Insurance	\$208.00
Electric	\$110.00
Home Telephone, Cable, Internet	\$110.00
Cellular Phone	\$90.00
Gasoline	\$120.00
Car Maintenance	\$40.00
Clothes and Shoes	\$100.00
Groceries	\$220.00
Life Insurance (Edith)	\$67.00
Student Loan (Sunny)	\$150.00

Credit Card	\$625.00
Health Club (Edith and Sunny)	\$100.00
Medical Debt from Leah's Birth	\$100.00
TOTAL	\$4,240.00

9. We also have a lot of financial debt that is putting great stress and pressure on our family. We owe over \$30,000 to credit card companies and \$500.00 in medical debt. We are struggling to make payments on our debts as best as we can.

10. From 2005 through July 2007, our son Theo had health insurance through Child Health Plus (CHPlus). The premium cost was roughly \$150 per month. We also had to pay approximately \$560 per month to cover my wife and myself through my employer-based insurance. I had trouble making the CHPlus payments on time, and as a result, Theo was uninsured from July 2007 until October 2007.

11. In September 2007, I went to the Children's Aid Society because I knew that I needed to get health insurance for Theo and our newborn baby, Leah. I was told by a facilitated enroller at the Children's Aid Society that we would be able to pay a reduced premium of \$40 per month per child to secure subsidized insurance coverage for our children. I immediately wrote a check for \$80. My check was never cashed, however, and one week later the facilitated enroller called and told me that the law changed and that the monthly premium to cover both of our children would be \$355.

12. In October 2007, we received a letter from Empire Blue Cross and Blue Shield stating that we would need to pay \$1,066 to cover both of our children through

January 2008 and that the total amount was due immediately. I had already paid for coverage for the month of November. The only reason I was able to pay the rest of the balance due was because Edith received a check for \$2,250 for a commercial voiceover that she recently did.

13. Even though it is very difficult for my family to afford to pay the higher CHPlus premium, I saw no other option. Both of our children now have CHPlus through Empire Blue Cross and Blue Shield. We pay \$355 per month for our children's insurance, but I don't know how I will be able to keep up those payments without going further into debt.

14. My wife and I are both insured through my employer. I pay \$560 per month to insure myself and my wife. Our medical expenses do not end there. I am a diabetic and so we spend \$75 per month on insulin and other diabetic supplies. Also, every three months, I need to get a special check-up and the co-pay is \$30.

15. Right now only Edith has a life insurance policy. I do not have a life insurance policy because we cannot afford it. A policy on my life would be too expensive for my family because of my diabetes. I would like to be able to obtain life insurance because I am very worried that my wife and two young children will not be taken care of if something were to happen to me.

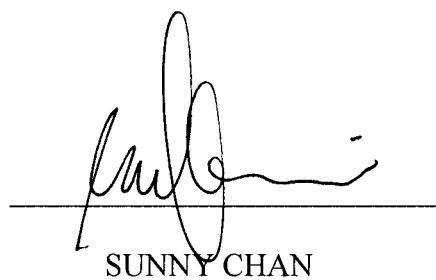
16. Our son Theo is very active. It is important to us that he has health insurance coverage in case he hurts himself. He also suffers from an allergic reaction to something that he eats. We do not know which food or foods that he is allergic to but the doctor said that it may be MSG. When Theo has an allergic reaction, he gets rashes on his

face and body and we have to give him an antihistamine.

17. Our newborn daughter Leah is generally healthy, but because she is just five months old, she needs a lot of check-ups and vaccinations. However, she has developed severe bronchitis. She needs a nebulizer to help her breathe and has to take asthma medication. We are very relieved that these items are paid for by CHPlus. Leah had a check-up in December, and the doctor says she needs another one in January 2007.

18. The fact that we have not been able to get subsidized insurance coverage through CHPlus is causing my family economic hardship. We believe that it is very important for our children to have health insurance coverage and so we are trying to be proactive about the situation, but it is very difficult to do this and to meet our family's other needs.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 8, 2008.



A handwritten signature in black ink, appearing to read "Sunny Chan". It is written in a cursive style with a long, sweeping line extending from the left side of the signature towards the right.

SUNNY CHAN